

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

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Application of	)	
	)	
VOLGA-DNEPR AIRLINES LLC	)	
	)	Docket OST-2022-
for an emergency exemption pursuant to	)	
49 U.S.C. § 40109(g)	)	
	)	
	)	
Guam, Guam -Medford, Oregon	)	
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**APPLICATION OF  
VOLGA-DNEPR AIRLINES LLC  
FOR AN EXEMPTION**

Communication with respect to this document should be addressed to:

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(832) 585-8611

**DATED: December 20, 2021**

**NOTICE:** THIS APPLICATION IS FILED PURSUANT TO THE EMERGENCY EXEMPTION PROCEDURES OF 14 C.F.R. § 302.410, WHICH AUTHORIZE THE DEPARTMENT TO ACT ON EMERGENCY EXEMPTIONS IMMEDIATELY. ANY PERSON INTERESTED IN FILING AN ANSWER IS REQUESTED TO DO SO IN THE ABOVE DOCKET IMMEDIATELY. COPIES OF THE SUBMISSION SHOULD BE SERVED ON THE PERSONS LISTED ABOVE AND ON THE ATTACHED SERVICE LIST.

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**APPLICATION OF  
VOLGA-DNEPR AIRLINES LLC  
FOR AN EXEMPTION**

Volga-Dnepr Airlines LLC (“Volga-Dnepr Airlines” or "Volga-Dnepr") respectfully requests an emergency exemption from the provisions of 49 U.S.C. §§ 40109(g) and 41703(c), and otherwise applicable provisions of the Department of Transportation (“DOT”) regulations, so as to permit Volga-Dnepr to operate one (1) one-way cargo charter flight, utilizing Volga-Dnepr’s AN-124-100 aircraft to transport cargo from Guam, Guam to Medford, Oregon on around January 12 – January 16, 2022, on behalf of Erickson Aviation.

The outsized cargo to be transported by Volga-Dnepr consists of four (4) EC225 Civilian Helicopters and removed components with the following dimensions: L-634" x W-150" x H-168", weighing approx. 15,000 pounds each. As described, the payload is outsized and cannot be accommodated by domestic commercial carrier aircraft.

In support of its application, Volga-Dnepr states as follows:

1. Volga-Dnepr is a foreign air carrier holding appropriate DOT authority to conduct all-cargo charter foreign air transportation between a point or points in Russia and a point or points in the United States, and all-cargo charter transportation between the United States and third countries pursuant to 14 C.F.R. Part 212.

2. Volga-Dnepr will operate the flight on behalf of Erickson Aviation as part of an effort to provide urgently needed lift to leave Guam, Guam not later than the set dates. Erickson Aviation is returning these helicopters to Medford, Oregon back to the Lessor. The helicopters were sent to GUM to re-supply Navy ships with supplies coming from the Mainland Guam. Only the use of Volga-Dnepr's outsized aircraft can make it possible to return the helicopters in question within the set schedule.

3. Due to the size of the cargo and the nature of the shipment, Erickson Aviation cannot use other means of transportation to ship the cargo.

4. Given the schedules associated with returning the helicopters back to the Lessor from the Mainland, Volga-Dnepr must perform the operation not later than within the set dates. Volga-Dnepr is polling all U.S. certificated air carriers on the attached service list and will inform the Department of the results of that poll.

5. Under 49 U.S.C. § 40109(g), the Department may authorize a foreign air carrier to transport commercial traffic between U.S. points under limited circumstances. Specifically, the Department must find that the authority is required in the public interest; that because the option created by unusual circumstances not arising in the normal course of business the traffic cannot be accommodated by U.S. carriers holding certificates under 49 U.S.C. § 41102; that all possible efforts have been made to accommodate the traffic on U.S. certificated air carriers; and that the exemption is necessary to avoid unreasonable hardship for the traffic. This application is consistent with the public interest and meets all of the relevant criteria under 49 U.S.C. § 40109(g) for the grant of an exemption.

6. Grant of this application is in the public interest. Timely shipment of the EC225 transport helicopters is imperative to avoid delaying the return of the these helicopters back to the Lessor.

7. In this instance, an urgent situation not arising in the normal course of business exists as a result of the size of the cargo, as well as the exigent circumstances surrounding the impossibility to use any other mode of transportation, and the lack of availability of U.S. commercial aircraft of the nature of the AN-124-100 operated by Volga-Dnepr Airlines. As a result, the best way to resolve this situation is for the AN-124-100 aircraft to transport the equipment in question.

8. As previously stated, no U.S. carrier operates aircraft that are able to transport this cargo.

9. Grant of this exemption application is necessary to avoid unreasonable hardship for the traffic at issue.

10. Volga-Dnepr's fitness and ability to carry out the proposed transportation has been amply demonstrated through its conduct of number of cargo charter operations on behalf of Erickson Aviation in and out of the United States and throughout the world.

11. Grant of this application is consistent with Department precedent. Foreign air carriers have been granted emergency exemption authority to carry cargo between U.S. points when an emergency existed as a result of unusual circumstances not arising in the normal course of business. See, e.g., Orders 96-6-31, 96-4-29, 95-11-35, 95-2-35, 94-11-6 and 94-4-14, as well as Notices of Action Taken in dockets OST-04-17906, OST-07-26806, OST-07-27125, OST-07-28857, OST-08-0003, and OST-09-0041.

12. In light of the exigent circumstances, Volga-Dnepr requests expeditious processing and the immediate grant of this exemption application. The Department's Procedural Regulations provide that the Department can act on an exemption application immediately.

Designated agent for Volga-Dnepr will promptly advise the Department of the responses of the interested U.S. carriers to the telephone poll regarding this application.

WHEREFORE, Volga-Dnepr respectfully requests that the Department issue an exemption permitting it to operate one (1) one-way cargo charter flight, utilizing Volga-Dnepr's AN-124-100 aircraft; to transport cargo from Guam, Guam to Medford, Oregon on or around January 12 – January 16, 2022, as described herein, and grant such further relief as the Department deems to be consistent with the public interest.

Respectfully submitted,



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Jane Hamm

Designated agent for Volga-Dnepr Airlines

(832) 791 8371

**Dated: December 20, 2021**

## **CERTIFICATE OF SERVICE**

I hereby certify that I have on this day served a copy of the foregoing document upon all persons named on the attached service list via electronic mail.

A handwritten signature in blue ink, appearing to read "Jane Hamm", is positioned above the printed name.

**Jane Hamm**

**Dated:        December 20, 2021**